REMARKS

Claims 1-12, 14-23, 25-27, and 29-31 are pending after this amendment.

Applicants have amended claims 1, 3, 7, 9-11, 14, 16, 18, 19, 21-23, 25-27, and 29 in order to more particularly define the invention. The amendments were not necessitated by the claim rejections. Applicants make no admission as to the patentability or unpatentability of the originally filed claims.

Claims 30 and 31 have been added in order to more particularly define the invention. No new matter has been added.

Claims 13, 24, and 28 have been cancelled.

The amendments and remarks presented herein are in response to the Office Action dated September 5, 2007.

The Examiner objected to claim 29 as being a substantial duplicate of claim 28. Claim 28 has been cancelled.

The Examiner rejected claims 3, 11, 13, 16, 29, and 21-29 under 35 USC 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 21, 22, 25, 26, and 29 have been amended to provide sufficient antecedent basis for all limitations therein. Claim 28 has been cancelled.

The stated that in claims 3, 11, 13, 16, 19, 23, 24, and 27, the term "do not re-peat indicator" is allegedly vague and unclear. Claims 3, 11, 16, 19, and 23 have been amended to more particularly recite "an indicator that step d.3) [or c)] has been per-formed." Claim 27 has similarly been amended to recite "an indicator that a first re-quest has been received." This indicator, as defined in the specification, is a mecha-nism by which the system and method of the present invention determines that an initial request has already been serviced. Responsive to a request that includes this indicator, the claimed invention performs different steps, in some situations, that it does in the absence of this indicator, as clearly recited in the claims.

Applicants respectfully submit that the claims now particularly point out and distinctly claim the subject matter of the invention, and that the 112 rejection has been overcome. Claims 13 and 24 have been cancelled.

The Examiner rejected claims 1-20 under 35 USC 102 as being anticipated by Barnett. This rejection is respectfully traversed.

Claim 1, as amended, recites:

"A method for determining whether a client accepts visitor identifiers, comprising the steps of:
a.) receiving a request for a resource, the request originating at a client;
b.) determining whether the request for the resource includes a visitor identi-fier;
c.) responsive to the request not including the visitor identifier:
assigning a new visitor identifier;

> sending a redirection request with the new visitor identifier to the client;
>
> responsive to the client storing the new visitor identifier, determining that the client accepts visitor identifiers; and
>
> responsive to the client not storing the new visitor identifier, determining that the client does not accept visitor identifiers."

The claimed method determines whether a client accepts visitor identifiers. A request for a resource is received, for example at a server. The request originates at a client. A determination is made as to whether the request includes a visitor identifier. An example of such a visitor identifier is a cookie, although other types of visitor identifiers can be used. If the request does not include a visitor identifier, a new visitor identifier is assigned and a redirection request is sent to the client along with the new visitor identifier. Then, if the client stores the new visitor identifier, a determination is made that the client accepts visitor identifiers. If the client does not store the new visitor identifier, a determination is made that the client does not accept visitor identifiers.

Barnett fails to teach or suggest the recited limitations. Barnett merely describes a method and system for generating and displaying a calendar containing user-selected events from user-selected categories. At col. 16, lines 56-65, Barnett describes checking for an existing long-term session. If none exists, one is created. Fig. 17 shows determining whether an auto-login cookie is found 1710; if not, the method redirects 1712 to a login screen and prompts 1713 for login. There is no mechanism in Barnett for making a determination as to whether a client has stored a new visitor identifier, nor of determining that the client accepts (or does not accept) visitor iden-

tifiers based on whether a new visitor identifier is stored, as claimed herein. In fact, the cited portion of Barnett merely describes the common and well-known mechanism of using information from a cookie if available, and prompting for a login if no cookie is found. The system described in Barnett would have no way of knowing whether or not the client is accepting visitor identifiers. By contrast, the present invention makes a definitive determination as to whether the client accepts visitor identifiers (such as cookies); an advantageous result of the claimed invention is that an alternative mechanism for storing state can be used when it is determined that the client is not reliably accepting visitor identifiers.

The claimed method thus solves a problem that is entirely different from the scheme described in Barnett, which would not be able to determine whether or not the client accepts visitor identifiers. In fact, in a situation where the client is not accepting visitor identifiers, the method described in Fig. 17 of Barnett would repeatedly redirect to a login screen at each instance, failing to recognize that the client is not accepting cookies. Thus, Barnett would unnecessarily query the user repeatedly for login information instead of using an alternative mechanism for storing state. Barnett, therefore, does not offer any functionality for solving the problem addressed by the claimed invention.

Accordingly, claim 1 is respectfully submitted to be patentable over Barnett.

Claim 3, as amended, recites:

"A method for determining whether a requestor accepts visitor identifiers, comprising the steps of:

    a.) receiving a request for a resource from a requestor, the requestor having an address;

    b.) determining whether the request includes a visitor identifier;

    c.) responsive to the request including a visitor identifier, obtaining data associated with the visitor identifier and determining that the requestor accepts visitor identifiers:

    d.) responsive to the request not including a visitor identifier:

        d.1) determining whether the request includes an indicator that step d.3) has been performed;

        d.2) responsive to the request including the indicator that step d.3) has been performed, assigning a visitor identifier from the requestor's address and determining that the requestor does not accept visitor identifiers;

        d.3) responsive to the request not including the indicator that step d.3) has been performed:

        assigning a new visitor identifier;

        sending to the requestor a redirection request including the new visitor identifier and an indicator that step d.3) has been performed; and

        repeating steps a-d."

The claimed method determines whether a client accepts visitor identifiers. A request for a resource is received, for example at a server. The request originates at a requestor. A determination is made as to whether the request includes a visitor identifier. An example of such a visitor identifier is a cookie, although other types of visitor identifiers can be used. If the request includes a visitor identifier, the server obtains data associated with the visitor identifier and determines that the requestor is accepting visitor identifiers. If the request does not include a visitor identifier, the following steps are performed. First, the server determines whether the step d.3) has already been completed; in this manner, an endless loop is avoided. If step d.3) has previously been performed, a visitor identifier is assigned based on the requestor's address, since the requestor is not accepting visitor identifiers. This visitor identifier

based on the requestor's address is an alternative way to maintain state when the requestor is not accepting visitor identifiers. If, on the other hand, step d.3) has not been completed, a new visitor identifier is assigned, a redirection request is sent (along with an indicator that step d.3) has been completed), and the process is repeated. In this manner, a determination can be made as to whether the requestor is accepting visitor identifiers.

Barnett fails to teach or suggest the recited limitations. As described above, Barnett merely describes a method and system for generating and displaying a calendar containing user-selected events from user-selected categories. At col. 16, lines 56-65, Barnett describes checking for an existing long-term session. If none exists, one is created. Fig. 17 shows determining whether an auto-login cookie is found 1710; if not, the method redirects 1712 to a login screen and prompts 1713 for login. There is no mechanism in Barnett for making a determination as to whether a requestor has stored a new visitor identifier, nor of determining that the requestor accepts (or does not accept) visitor identifiers based on whether a new visitor identifier is stored, as claimed herein. Furthermore, there is no mention anywhere in Barnett of a technique by which the server sends an indicator that a request response has previously been completed so as to avoid an endless loop as claimed herein.

As discussed above, the claimed method thus solves a problem that is entirely different from the scheme described in Barnett, which would not be able to determine whether or not the client accepts visitor identifiers and would not be able to

avoid repeatedly attempting to use cookies as visitor identifiers. Barnett offers no solution equivalent or analogous to the recited mechanism for including an indicator that a request has previously been received and serviced so as to make a conclusive determination that the requestor does not accept visitor identifiers as recited herein. In fact, in a situation where the client is not accepting visitor identifiers, the method described in Fig. 17 of Barnett would repeatedly redirect to a login screen at each instance, failing to recognize that the client is not accepting cookies. Barnett, therefore, does not offer any functionality for solving the problem addressed by the claimed invention.

Accordingly, claim 3 is respectfully submitted to be patentable over Barnett.

Claim 11 recites a data collection server and includes limitations similar to those discussed in connection with claim 3. Claim 14 recites a client-based method including limitations similar to those discussed in connection with claim 1. Claim 16 recites a client-based method including limitations similar to those discussed in connection with claim 3. Claim 18 recites a computer program product including limitations similar to those discussed in connection with claim 1. Claim 19 recites a computer program product including limitations similar to those discussed in connection with claim 3. Claims 2, 4-10, 12, 15, 17, 20-23, 25-27, and 29, as well as new claim 30, variously depend from claims 1, 3, 11, 14, 16, and 19 and incorporate the limitations discussed above. Accordingly, claims 1-12, 14-23, 25-27, 29, and 30 are hereby submitted to be patentable over Barnett. Claims 13, 24, and 28 have been cancelled.

Claim 30 has been added in order to more particularly define the invention.

Support for the claim amendments and the new claim can be found in the originally filed specification at, for example, paragraphs [0009], [0013], [0014], [0044] to [0046], and Fig. 2. No new matter has been added.

On the basis of the above amendments, consideration of this application and the early allowance of all claims herein are requested.

Should the Examiner wish to discuss the above amendments and remarks, or if the Examiner believes that for any reason direct contact with Applicant's representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
Brett Error, et al.

Dated: __February 5, 2008__   By: __/ Amir H. Raubvogel/_____
Amir H. Raubvogel
Reg. No. 37,070
Raubvogel Law Office
820 Lakeview Way
Redwood City, CA 94062
Phone: (650) 209-4884
Fax: (650) 362-1800